

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

THIS AGREEMENT is entered into 5 September, 2001, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, WATER SERVICES DEPARTMENT, acting by and through its CITY MANAGER (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by City Charter, Chapter II, Section 2 i. to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. The City desires to improve the gravity wastewater collection system northeast of the 23rd Avenue Wastewater Treatment Plant. A new sewer line will be constructed by the City, at the City's expense, north and south of Interstate 17 (I-17), requiring two (2) encased freeway crossings, which will cause the vacating and replacement of certain existing sewer lines through portions of the State's property, and improvements to existing State property, wherein the State will exchange excess property for the improvements the City will develop on said property, herein referred to as the "Project". The purpose of this agreement is to exchange and/or provide the City with one or more easements to construct the Project and, provide the City with perpetual prior rights permits for the location, operation and maintenance of the City's new sewer facilities.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

24864
09/05/01
Dicky D. Guenewald

II. DEFINITIONS

"Easement" – The right held by one party (in which to install and operate a defined facility), in land owned by another.

"Learning Tree Plaza" - The Hamilton School project area bounded by 19th Avenue, Durango Street, and the I-17 North Frontage Road.

"Perpetual Prior Rights Permit" - Continuous agreement between the State, and the City, for use, operation and maintenance of the facilities defined in this agreement.

III. SCOPE OF WORK

1. The City will:

a. Provide design plans, specifications and other such documents and services required for construction of the Project. Be responsible for providing Blue Staking services of all in-service and vacated potable water and sewer utilities which both parties have mutually agreed should be allowed to remain, under the conditions referenced in III.1.g. below and all proposed utilities necessary for this Project. Coordinate with the State, for the review and clearance of said documents including all traffic control and construction activities.

b. Coordinate with the State to exchange the existing easement located along the Hilton Avenue alignment, described as "A", on the attached map, attached hereto and made a part hereof as Exhibit 1, for a newly defined easement, described as "B" on Exhibit 1, for the location, operation and maintenance of the City's new sewer facilities which will connect the 22nd Avenue sewer line to the 23rd Avenue wastewater treatment facility. Exchange of easement will take place upon completion of all phases of construction of the Project.

c. Terminate and vacate to the State, two (2) existing easements and existing sanitary sewer lines (according to law), described as "C", "D" (including associated lines) and "E", on Exhibit 1, in exchange for the State issuing a permit for perpetual prior rights of properties described as "F 1 through 7", (F 1 – 7) on Exhibit 1. The termination and vacating expressed herein are subject to the City's receipt of the perpetual prior rights permits for the use, operation and maintenance of the sewer utilities.

d. Be responsible for the Phase I Environmental Study and prepare a legal description for excess State property (L1-68), location described on Exhibit 1 ("G") and legal description defined on Exhibit 2, attached hereto and made a part hereof.

e. Request from the State's Phoenix Maintenance District Permits Office, an encroachment permit for all planned construction work within the State's Control of Access. In addition, provide a letter of documentation to the State's Phoenix Maintenance District Engineer, confirming that the construction of the Project will not significantly increase historic drainage flow through an increase in impervious surface area, or reach of the sub-basin area.

f. Call for bids, award one or more construction contract(s) for the Project, administer same and make all payments to the contractor. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the City.

g. Provide an inspection report to the State's Phoenix Maintenance District Engineer, of the structural integrity of the sanitary sewer line connected through the easement, described as "D" on Exhibit 1 (including associated lines), to the manhole structure north of I-17.

h. Upon completion of the Project, be responsible for all operation and maintenance of all City installed utilities within the State right of way.

i. Upon completion of the Project provide the State's Phoenix Maintenance District Engineer with record drawings of new and reconstructed facilities within State right of way.

j. Prior to, or upon completion of construction of the Project, provide the State's Phoenix Maintenance District Engineer with an action response plan detailing the City's proposed response to a catastrophic failure of the new sewer facilities placed within the State's right of way.

k. Upon completion of the Project and upon approval by resolution of the State Transportation Board, accept jurisdiction and maintenance responsibility of State right of way described as "G", "H" and "I" on Exhibit 1. Waive the four year advanced notification requirements of the Arizona Revised Statute 28-7209.

l. Through a change order (#4) to the State's ongoing ramp reconstruction project at 19th Avenue and I-17 (under Project IM-17-1(347)P), does hereby designate the State as authorized agent on behalf of the City, for the removal of the State's existing retaining wall foundation and the construction of a concrete slab under the new retaining wall ties, which interferes with the City's tunnel/interceptor construction.

m. Be responsible for actual costs associated with said change order, referenced in II.1.l. above, currently estimated at \$31,107.75, up to and not to exceed \$35,000.00. Upon receipt of an invoice, remit payment to the State.

2. The State will:

a. Review design plans, specifications and other such documents and services required for construction of the Project and provide comments to the City as appropriate within ten (10) calendar days of receipt.

b. Coordinate with the City to exchange the existing easement located along the Hilton Avenue alignment, described as "A", on Exhibit 1, for a newly defined easement, described as "B" on Exhibit 1, for the location, operation and maintenance of the City's new sewer facilities which will connect the 22nd Avenue sewer line to the 23rd Avenue wastewater treatment facility. Exchange of easement will take place upon completion of all phases of construction of the Project.

c. Issue a perpetual prior rights permit to the City for property described as "F 1 - 7" on Exhibit 1, upon coordinating acceptance of the City's two (2) existing easements and existing sanitary sewer lines (according to law), described as "C", "D" (and associated lines) and "E", on Exhibit 1.

d. Upon approval of the State Transportation Board, (by resolution), abandon jurisdiction and maintenance responsibilities of State right of way described as "G", "H" and "I", in exchange for improvements to existing right of way controlled by the State, described as the "Learning Tree Plaza" (shown shaded) on Exhibit 1.

e. Issue an encroachment permit to the City, through the State's Phoenix Maintenance District Permits Office for construction of the Project and issue a perpetual permit acknowledging prior rights, for the location, operation and maintenance of the City's new sewer facilities for the permitted areas within the State's Control of Access, described as "F 1 - 7" on Exhibit 1.

f. Be responsible for any contractor claims for extra compensation due to delays or whatever reason attributable to the State.

g. Upon completion of the Project, accept abandonment and those construction improvements stated herein, and continue to provide maintenance within the State's Control of Access. New improvements by the City will not increase the State's current maintenance responsibility.

h. Hereby agree to be authorized agent on behalf of the City, for the removal of the State's existing retaining wall foundation and the construction of concrete slabs under the new retaining wall ties per change order #4, under the State's ongoing ramp reconstruction project at 19th Avenue and I-17 (under Project IM-17-1(347)P).

i. Upon execution of this agreement, invoice the City for actual costs associated with change order #4, currently estimated at \$31,107.

IV. MISCELLANEOUS PROVISIONS

1. This agreement shall become effective upon filing with the Secretary of State.

2. This agreement shall remain in force and effect until completion of said Project; and any transfer/exchange of property/easements, provided, however, that this agreement, except any provisions herein for prior rights and maintenance, which shall be perpetual, may be cancelled at any time prior to the City's award of a construction contract for the Project, upon thirty (30) days written notice to the other party.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

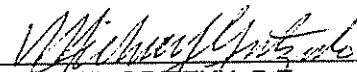
City of Phoenix
Water Services Department
200 W. Washington, 9th Floor
Phoenix, AZ 85003-1611

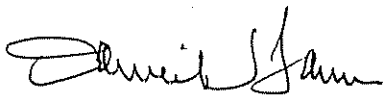
7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

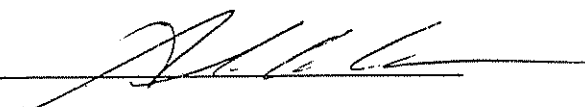
CITY OF PHOENIX, a Municipal
Corporation, Frank Fairbanks, City Manager

STATE OF ARIZONA
Department of Transportation

By 
MICHAEL GRIZUK, P.E.
Water Services Director

By 
DANIEL S. LANCE, P.E.
Deputy State Engineer

ATTEST

By 
ACTING ; City Clerk

00-070.doc
21Feb2001

APPROVED BY CITY COUNCIL:

DATE: April 18, 2001 – Item No. 62

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

Complete this form per O.P. 1.906 and A.R. 4.11.
Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/>		Ordinance <input type="checkbox"/>
	License Application <input type="checkbox"/>		Resolution <input checked="" type="checkbox"/>
	Public Hearing <input type="checkbox"/>		Emergency Clause? <input type="checkbox"/>
	Other <input type="checkbox"/>		(for use only w/ord. or res. requests)

IMPACTED DISTRICT(S)	DISTRICT 7	ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER?	<input type="checkbox"/>
SUBJECT	ADOT AGREEMENT - EASEMENT(S) & PERPETUAL RIGHTS PERMITS FOR LOCATION, OPERATION & MAINTENANCE OF NEW SEWER LINE		

REQUESTED AGENDA DATE	4/18/2001	PREPARED BY	Name	Behrouz Fathali
			Department	Wtr Srvcs/Wastewater Eng.
			Phone	262-4597

APPROVALS	Division Head:	Paul H. Kinshella, P.E.	If prepared for another department: Department Name:
	Department Head:	CAP/JWS/Michael Gritzuk, P.E.	

BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____
	Contract Required? <input checked="" type="checkbox"/>	Requisition No. (ADOT2RCA)

CONTRACT INFORMATION	Contract Amendment? <input type="checkbox"/>		
	If Yes, Current Contract No. _____		
	Approved by:	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Formal Action <input type="checkbox"/>	on Date: _____

BUDGET INFORMATION	\$ 35,000.00	To Be Encumbered? <input checked="" type="checkbox"/>
	Source of Funds: _____	Fiscal Year? 2000-2001
	Wastewater CIP budget in Wastewater CIC Bonds (Apvd: BGerber&DMays)	
	Fund Center(s) (SAP-FM): WS90200004-D	
	Commitment Item(s) (SAP-FM): 510135 (Construction w/Othr Gov Agncs)	
	Availability of Funds Approval Lauri L. Wingenroth	

CITY MANAGER'S OFFICE	Approved by George Britton 4/9/01	CM Control No. 38
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CITY CLERK DEPARTMENT	Council Action Taken: Adopted		
	Ordinance Number:	RCA No.	34780
	Resolution Number: 19615	Contract No.	97117
	Comments:	Meeting Date	4/18/2001
		Item No.	62

ITEM**DISTRICT 7****ADOT AGREEMENT -
EASEMENT(S) & PERPETUAL
RIGHTS PERMITS FOR
LOCATION, OPERATION &
MAINTENANCE OF NEW
SEWER LINE**

Request to authorize the City Manager to enter into an agreement with the State of Arizona Department of Transportation (ADOT) to provide the City with one or more easements to construct the new sewer line at 2470 South 22nd Avenue, and provide the City with perpetual prior rights permits for the location, operation and maintenance of the new sanitary sewer line for the 23rd Avenue Wastewater Treatment Plant (WWTP). The agreement also designates the State, authorized agent on behalf of the City, for removal of the State's existing retaining wall foundation and the construction of a concrete slab under the new retaining wall ties, which interferes with the City's tunnel/interceptor construction.

This agreement permits the City to construct a new 72 inch diameter sanitary sewer line on the north side of Interstate 17 (I-17) from 15th Avenue to 23rd Avenue within the State property. The new sanitary sewer line requires two encased freeway crossings, abandonment or replacement of certain existing sanitary sewer lines, and reconstruction of the Learning Tree Plaza (Hamilton School) within the State property. The State will exchange excess property for the improvements at the Learning Tree Plaza to be built by the City.

The City will construct, operate and maintain improvements at no cost to the State.

Financial Impact

The cost of this agreement will not exceed \$35,000 for the removal and construction of the retaining wall that interferes with the City's tunnel/interceptor construction. Funds are available from the Wastewater Capital Improvement Program budget with Wastewater Civic Improvement Corporation Bonds.

Affirmative Action

As a governmental entity, the Arizona Department of Transportation is exempt from City of Phoenix Affirmative Action Requirements as stated in Chapter 18, Article V, of the Phoenix City Code.

Citizen Notification

A public meeting was conducted on June 15, 2000, at 6:00 p.m. at the Hamilton Elementary School to receive public input for the project.

CENTER SEC 13
TIN R2E

CALCULATED FROM DATA SHOWN
ON ADOT R/W PROJ. 1-17-1-716

I-17 FREEWAY

EXHIBIT B
ADOT TO GRANT NEW
16' PERMANENT SEWER EASEMENT
TO THE CITY OF PHOENIX

2055.35' N 00°04'40" W
Mid Sec Line
562.41' N 00°04'40" W

27.4'

LOT 9

105-26-002

105-26-001

LOT 10

105-26-003

SCALE 1" = 100'



LOT 11

22ND AVE.

30'

30'

HILTON AVE.

FOUND BRASS CAP FLUSH

LOT 11

EXISTING R/W
DKT. 11264, PG. 468

NEW PERMANENT
16' SEWER ESMT.
EXHIBIT B

60' HILTON AVE. R/W
DKT 3770 P. 491, COP ORD. S-2110

S 1/4 COR SEC 13

TIN R2E

FOUND COP BRASS CAP

LOT 13

LEGAL DESCRIPTION
EXHIBIT B
NEW PERMANENT SEWER EASEMENT

That part of Lots 9 and 10 of Bradley Ranch according to the Plat of Record in Book 3 of Maps, Page 72, Records of Maricopa County, and that part of the Northwest quarter of the Southeast quarter (NW1/4 SE1/4) of Section 13, Township 1 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Northwest corner of the Northwest quarter of the Southeast quarter (NW1/4 SE1/4) of said Section 13;

THENCE South 00°04'40" East along the West line of the Northwest quarter of the Southeast quarter of said Section 13, a distance of 562.41 feet to the Westerly prolongation of the North line of the South 96 feet of said Lots 9 and 10 and the POINT OF BEGINNING;

THENCE South 88°40'24" East along the North line of the South 96 feet of said Lots 9 and 10 and it's prolongation, a distance of 604.71 feet;

THENCE South 45°00'00" East, a distance of 68.64 feet to the West right-of-way line of 22nd Avenue as described in Docket 11264, Page 468, Records of Maricopa County;

THENCE South 00°12'54" East along said West right-of-way line, a distance of 78.48 feet;

THENCE North 45°00'00" West, a distance of 6.08 feet;

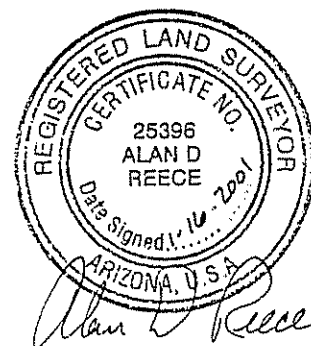
THENCE North 00°14'21" West, a distance of 55.79 feet;

THENCE North 45°00'00" West, a distance of 72.24 feet;

THENCE North 88°40'24" West, a distance of 597.91 feet to the West line of the Northwest quarter of the Southeast quarter of said Section 13;

THENCE North 00°04'40" West along said West line, a distance of 16.00 feet to the POINT OF BEGINNING.

Containing 11,036 sq. ft. or 0.25 acres, more or less.



CENTER SEC 13
T1N R2E

CALCULATED FROM DATA SHOWN
ON ADOT R/W PROJ. I-17-1716

EXHIBIT C
EXISTING ACCESS EASEMENT
FROM ADOT TO CITY OF PHOENIX
TO BE ABANDONED

I-17 FREEWAY

EXHIBIT C
EXISTING ACCESS EASEMENT FROM ADOT
TO CITY OF PHOENIX TO BE ABANDONED
DOC 97-0021163

MID Sec Line

N 00°04'40" W 562.41'

2055.35'
N 00°04'40" W

16.00'

27.4'

LOT 9

105-26-002

105-26-001

LOT 10

105-26-003

LOT 11

22ND AVE.

SCALE 1" = 100'



30' SEWER EASEMENT DKT 2881 P. 249, COP ORD. S-1511

HILTON AVE.

FOUND BRASS CAP FLUSH

LOT 11

60' HILTON AVE. R/W
DKT 3770 P. 491, COP ORD. S-2110

EXISTING R/W
DKT. 11264, PG. 468

S 1/4 COR SEC 13
T1N R2E

FOUND COP BRASS CAP

LOT 13



OFFICIAL RECORDS OF
MARICOPA COUNTY RECORDER
HELEN PURCELL

97-0021163 01/13/97 11:20

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Escrow No.

WHEN RECORDED RETURN
TO ARIZONA DEPARTMENT
OF TRANSPORTATION,
R/W FISCAL SEC (612E)
205 S. 17th AVENUE
PHOENIX, AZ 85007

ARIZONA DEPARTMENT OF TRANSPORTATION

ACCESS EASEMENT

The STATE OF ARIZONA, acting by and through its Department of Transportation, and pursuant to A.R.S. §28-1865-B, for and in consideration of the sum of ONE DOLLAR AND OTHER VALUABLE CONSIDERATION, does hereby convey to the CITY OF PHOENIX, a municipal corporation, a non-exclusive perpetual easement for ingress and egress upon, along and across that certain parcel of real property situated in Maricopa County, Arizona, described as follows:

SEE EXHIBIT "A" ATTACHED HERETO

AND BY REFERENCE MADE A PART HEREOF.

The Easement herein conveyed is for the express purpose of providing access to and from, and shall be appurtenant to and operate to the benefit of the East half of the Northeast quarter of the Southwest quarter (E/2NE/4SW/4) of Section 13, Township 1 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona,

EXCEPT any portion which lies within Durango Street,
and is not a dedication of right of way for the public use.

PROJECT: I-17-1-716	SECTION: E.B. Frontage Rd.	PARCEL: 7-7133
17 MA 198 H2398 01R	22nd/23rd Ave. (Durango)	DLN677/3
5/13/94:MS:		ESMT

IN WITNESS WHEREOF this instrument is executed this 7th day
of August, 1995.

ARIZONA DEPARTMENT
OF TRANSPORTATION

St. Hansen

Chief Right of Way Agent

NOTARY CERTIFICATION

STATE OF ARIZONA)

) ss.

County of Maricopa)

The foregoing instrument was acknowledged before me this 7th day
of August, 1995 by Steve E. Hansen,

the _____ Chief Right of Way Agent of the Arizona Department of
Transportation, who acknowledged that he executed this instrument for
the purposes therein contained.

IN WITNESS WHEREOF, I have set my hand and official seal.

My commission expires:

July 4, 1998

Judith Sevedez
Notary Public

QD-ST

PROJECT: I-17-1-716
17 MA 198 H2398 015
SECTION: E.B. Frontage Rd.
22nd/23rd Ave.
(Durango)
PARCEL: 7-7133
DATE: May 13, 1994

DESCRIPTION FOR ACCESS EASEMENT

That part of the Northwest quarter of the Southeast quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section 13, Township 1 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

Commencing at the center of said Section 13;

thence along the North - South mid-section line of said section, South 0°52'26" East 98.00 feet to the point of beginning on the existing South right of way line of Interstate Highway 17 (PHOENIX - CORDES JUNCTION HIGHWAY);

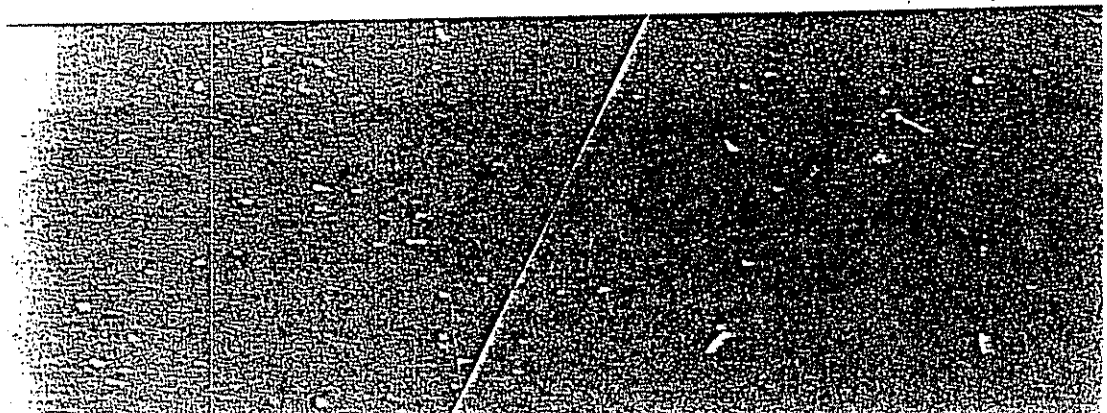
thence along said right of way line, North 89°34'21" East 41.00 feet;

thence South 36°13'30" West 67.85 feet returning to said North - South mid-section line;

thence along said mid-section line, North 0°52'26" West 55.00 feet to the point of beginning.

MS:
DLN677/4

EXHIBIT "A"





SCALE 1" = 100'

EXHIBIT D
EXISTING SEWER EASEMENT
TO BE ABANDONED

I-17
FREEWAY

EXHIBIT D
EXISTING 40" SEWER EASEMENT
FROM ADOT TO THE CITY OF PHOENIX
TO BE ABANDONED
DOCKET 3132, PAGE 527

EXISTING
60" SANITARY SEWER
PIPE

AVE.

LOT 10

LOT 11

LOT 12

S88°42'04" E
HILTON AVE.

FOUND BRASS CAP FLUSH

HILTON AVE.

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

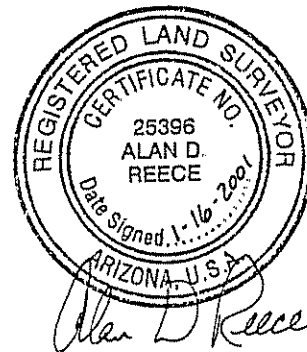
22ND

EXIST R/W
COP ORD. S-8467

LEGAL DESCRIPTION
EXHIBIT D
EXISTING 60" SANITARY SEWER PIPE

An existing 60" sanitary sewer pipe situated in a portion of the Southeast quarter of Section 13, Township 1 North, Range 2 East, Gila and Salt River Meridian, Maricopa County, Arizona, the centerline of which is described as follows:

COMMENCING at the East quarter corner of said Section 13;
THENCE South $00^{\circ}09'09''$ West along the East line of said Section 13, a distance of 510.71 feet to the centerline of Hilton Ave.;
THENCE North $88^{\circ}42'04''$ West along said centerline of Hilton Ave., a distance of 1339.54 feet;
THENCE North $00^{\circ}25'57''$ East, a distance of 14.80 feet to the POINT OF BEGINNING of the pipe herein described;
THENCE continuing North $00^{\circ}25'57''$ East, a distance of 490.85 feet to the POINT OF TERMINUS.



3132/527

SULLIVAN
MILANO7.5 NOT INCORP
= 17

Doc 527
7-24

State of Arizona
County of Maricopa

I hereby certify that this within instrument
was filed and recorded in SUPERIOR
PAGE 527

At the request of
THOMAS L. MILLER

Witness my hand and official
seal
County Recorder
By: [Signature]
County Recorder

Classified 12862
Notated
Page 25

EASEMENT

WHEREAS, that certain for the convenience of the undersigned parties, it is necessary for the City of Phoenix, a municipal corporation of Maricopa County, Arizona, to run its sewer system across certain property of the undersigned parties, which portion of said property herein granted is more particularly described as follows:

The East 1/2 of Lot 12 in Bradley Ranch, according to the plat of record in the office of the County Recorder of Maricopa County, Arizona, in Book 3 of Page 72 thereof; EXCEPT the South 100 feet thereof; and EXCEPT any part thereof lying within the Phoenix-Casa Grande Interstate Highway.

Approved: [Signature]
Arizona State
Engineer Commission

NOW, THEREFORE, ALL THE UNDERSIGNED PARTIES, FOR AND IN CONSIDERATION OF CASH (\$1.00) Dollars to be hereafter paid by the City of Phoenix, receipt of which is hereby acknowledged, do hereby grant unto the City of Phoenix an easement in perpetuity for the portion or portions of the above-described property which to the undersigned, now two or more, have the right of claim to interest in, over and across the above-described property for the purpose of installing, maintaining, operating, inspecting and repairing sewer SYSTEMS, lines and construction, including, but not limited to, the above-described property, and it is distinctly understood and agreed that the City of Phoenix shall at all times have the right to enter upon said premises that necessary for the purposes above mentioned.

Notwithstanding that in the event of the City of Phoenix, or on through any of its successors, exercising its right of entry for construction, maintenance, or repair of said sewer lines, it shall not cause any damage to the grantor hereinafter, and if any damage is at any time caused by such entry, then the City of Phoenix shall pay the damages therefor, and the said City shall, after performing any construction, maintenance, or repair work, leave the surface of the ground to its former state.

Witness my hand and seal of office this 12th day of December, 1957.
THE STATE OF ARIZONA BY AND THROUGH THE ARIZONA
ENGINEER COMMISSION

State of Arizona
County of Maricopa

By: [Signature]
State Highway Engineer

Before me, [Signature], a State of Arizona, on this day personally appeared [Signature], known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged that he executed the same for the purposes and consideration therein expressed.

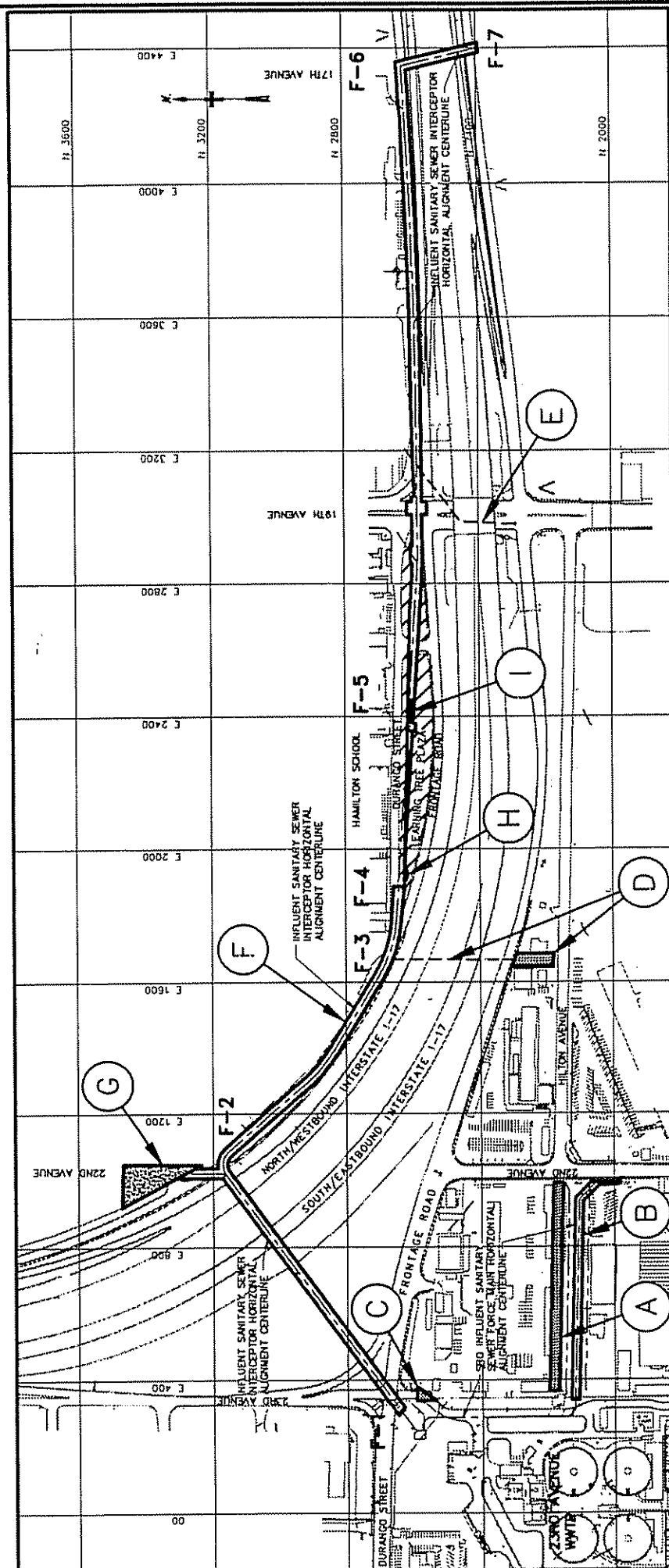
Given under my hand and seal of office this 12th day of December, 1957.

Notary Public in and for the County of Maricopa, Arizona

[Signature]

3132/527

Doc 527



PARCEL KEYED NOTES: (LEGAL DESCRIPTIONS AND PARCEL MAPS ATTACHED)

- (A) EXISTING 2-60" SANITARY SEWER EASEMENT - VACATED
- (B) 48" FORCEMAIN EASEMENT (EXCHANGE FOR (A))
- (C) 23RD AVE W/TP DURANGO STREET ENTRANCE EASEMENT - VACATED
- (D) EXISTING 60" SANITARY SEWER AND EASEMENT - VACATED
- (E) EXISTING 54" SANITARY SEWER - VACATED
- (F) 72" INFLUENT SANITARY SEWER INTERCEPTOR ALIGNMENT
- (G) EXCESS STATE LAND (L1-68) - EXCHANGED FROM ADOT TO CITY OF PHOENIX
- (H) DURANGO STREET ROADWAY IMPROVEMENTS CUL-DE-SAC LAND EXCHANGED FROM ADOT TO CITY OF PHOENIX
- (I) DURANGO STREET ROADWAY IMPROVEMENTS PARKING LOT LAND EXCHANGED FROM ADOT TO CITY OF PHOENIX

LEGEND

- MONUMENT LINE
- EASEMENT LINE
- PROPERTY LINE
- RIGHT OF WAY LINE
- PLANT COORDINATE GRID LINE (400' INCREMENTS)
- EASEMENTS TO BE VACATED
- SANITARY SEWER - ABANDONED
- SANITARY SEWER - NEW
- HAMILTON SCHOOL - LEARNING TREE PLAZA
- LAND EXCHANGED TO CITY FOR IMPROVEMENTS TO LEARNING TREE PLAZA

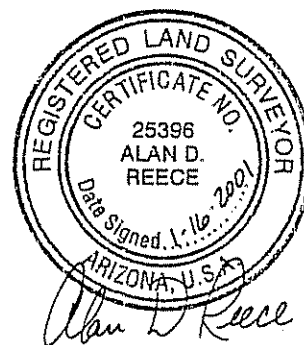
GREVELLY AND HANSEN ENGINEERS 425 NORTH 4TH STREET, SUITE 100 PHOENIX, ARIZONA 85004	REVISIONS <table border="1"> <tr> <th>NO.</th> <th>BY</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </table>	NO.	BY	DATE	DESCRIPTION													City of Phoenix	23RD AVENUE WASTEWATER TREATMENT PLANT HEADWORKS MODIFICATIONS, INFLUENT PUMP STATION, AND INFLUENT INTERCEPTOR UPGRADE CITY OF PHOENIX PROJECT NO. W890200004 VOLUME 5 OF 6 INFLUENT INTERCEPTOR UPGRADE	GENERAL EXHIBIT 1 JPA 00-70 SCALE: 1"=150' CITY SHEET NO. _____ OF 288 CAD REF. NO. _____ COPYRIGHT © 2000
		NO.	BY	DATE	DESCRIPTION															
DATE: OCTOBER 2000 SHEET _____ OF 288																				

EXHIBIT E

LEGAL DESCRIPTION EXISTING 54" SANITARY SEWER PIPE

An existing 54" Sanitary Sewer pipe situated in portions of Section 13, Township 1 North, Range 2 East, and Section 18, Township 1 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, the centerline of said pipe being described as follows:

COMMENCING at the West quarter corner of said Section 18;
THENCE South $88^{\circ}50'33''$ East along the East – West midsection line of said Section 18, a distance of 133.02 feet;
THENCE South $01^{\circ}09'27''$ West, a distance of 61.63 feet to the POINT OF BEGINNING of the sewer pipe herein described;
THENCE South $53^{\circ}20'16''$ West, a distance of 190.21 feet;
THENCE South $02^{\circ}10'57''$ West, a distance of 164.21 feet;
THENCE South $12^{\circ}39'45''$ West, a distance of 157.26 feet to the POINT OF TERMINUS.



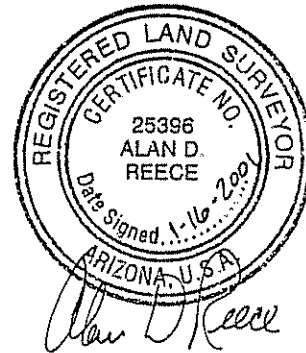
LEGAL DESCRIPTION
EXHIBIT F-1 THROUGH F-4
NEW PERMANENT SEWER EASEMENT

That part of Section 13, Township 1 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the East quarter corner of said Section 13;
THENCE North 88°43'04" West along the East-West midsection line of said Section 13, a distance of 33.00 feet;
THENCE South 00°09'09" West, a distance of 33.00 feet to the Northerly right-of-way line of the I-17 Freeway;
THENCE North 88°43'04" West along said right-of-way line, a distance of 1086.37 feet;
THENCE North 01°17'23" East along said right-of-way line, a distance of 3.12 feet to the POINT OF BEGINNING;
THENCE leaving said right-of-way line North 86°25'57" West, a distance of 92.96 feet to the beginning of a tangent curve concave to the North;
THENCE Northwesterly along the arc of said curve, to the right, having a radius of 415.00 feet and a central angle of 27°14'45" for an arc distance of 197.35 feet;
THENCE North 59°11'11" West, a distance of 259.07 feet to the beginning of a tangent curve concave to the Northeast;
THENCE Northwesterly along the arc of said curve, to the right, having a radius of 415.00 feet and a central angle of 17°55'43" for an arc distance of 129.86 feet;
THENCE North 41°15'28" West, a distance of 318.71 feet to the beginning of a tangent curve concave to the South;
THENCE Westerly along the arc of said curve, to the left, having a radius of 35.00 feet and a central angle of 70°00'56" for an arc distance of 42.77 feet;
THENCE South 68°43'37" West, a distance of 6.61 feet;
THENCE South 53°43'36" West, a distance of 883.13 feet to Southerly right-of-way line of the I-17 Freeway;
THENCE North 53°30'47" West along said right-of-way line, a distance of 31.41 feet;
THENCE North 53°43'36" East leaving said right-of-way line, a distance of 886.81 feet;
THENCE North 00°02'58" West, a distance of 136.80 feet to the Easterly right-of-way line of the I-17 Freeway;
THENCE South 28°34'13" East along said Easterly right-of-way line, a distance of 62.83 feet;
THENCE leaving said Easterly right-of-way line South 00°02'58" East, a distance of 68.66 feet to a point on the arc of a non-tangent curve concave to the South;
THENCE from a local tangent bearing of North 80°06'59" East, Southeasterly along said curve, to the right, having a radius of 65.00 feet and a central angle of 58°37'33" for an arc distance of 66.51 feet;
THENCE South 41°15'28" East, a distance of 318.71 feet to the beginning of a tangent curve concave Northeasterly;

THENCE Southeasterly along the arc of said curve, to the left, having a radius of 385.00 feet and a central angle of $17^{\circ}55'43''$ for an arc distance of 120.47 feet;
THENCE South $59^{\circ}11'11''$ East, a distance of 259.07 feet to the beginning of a tangent curve concave Northeasterly;
THENCE Southeasterly along the arc of said curve, to the left, having a radius of 385.00 feet and a central angle of $27^{\circ}14'45''$ for an arc distance of 183.08 feet;
THENCE South $86^{\circ}25'57''$ East, a distance of 91.76 feet;
THENCE South $01^{\circ}16'56''$ West, a distance of 30.02 feet to the POINT OF BEGINNING.

Containing 61,386 sq. ft. or 1.41 acres, more or less.



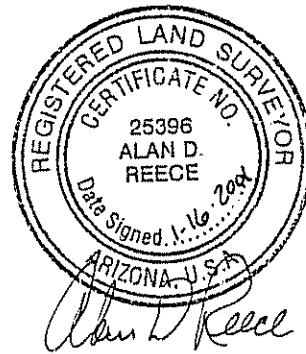
LEGAL DESCRIPTION
EXHIBIT F-5 THROUGH F-7
NEW PERMANENT SEWER EASEMENT

That part of Section 13, Township 1 North, Range 2 East, and Section 18, Township 1 North, Range 3 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the East quarter corner of said Section 13;
THENCE South $88^{\circ}50'33''$ East along the East – West midsection line of said Section 18, a distance of 1313.92 feet to the Northeast corner of the Northwest quarter of the Southwest quarter (NW1/4 SW1/4) of said Section 18;
THENCE South $00^{\circ}15'21''$ West along the East line of said Northwest quarter of the Southwest quarter, a distance of 218.68 feet to the Southerly right-of-way line of the I-17 Freeway;
THENCE North $84^{\circ}56'23''$ East along said Southerly right-of-way line, a distance of 68.22 feet to the POINT OF BEGINNING;
THENCE North $13^{\circ}35'05''$ West, a distance of 219.79 feet;
THENCE South $86^{\circ}38'00''$ West, a distance of 206.12 feet to the beginning of a curve concave to the North;
THENCE Westerly along the arc of said curve, to the right, having a radius of 15,015.00 feet and a central angle of $03^{\circ}05'00''$ for an arc distance of 808.03 feet;
THENCE South $89^{\circ}43'00''$ West, a distance of 256.05 feet;
THENCE South $00^{\circ}09'13''$ West, a distance of 15.46 feet;
THENCE North $89^{\circ}50'47''$ West, a distance of 59.83 feet to the West line of said Section 18;
THENCE North $00^{\circ}09'13''$ East along said West line, a distance of 15.00 feet;
THENCE South $89^{\circ}43'00''$ West, a distance of 142.75 feet;
THENCE North $86^{\circ}26'05''$ West, a distance of 899.90 feet to the Northerly right-of-way line of the I-17 Freeway;
THENCE South $88^{\circ}43'03''$ East along said right-of-way line, a distance of 752.48 feet;
THENCE leaving said right-of-way line South $86^{\circ}25'57''$ East, a distance of 142.01 feet;
THENCE North $56^{\circ}39'58''$ East, a distance of 9.97 feet to the Northerly right-of-way line of the I-17 Freeway;
THENCE South $88^{\circ}43'03''$ East along said right-of-way line, a distance of 52.81 feet;
THENCE leaving said right-of-way line South $56^{\circ}39'59''$ West, a distance of 7.87 feet;
THENCE North $89^{\circ}43'00''$ East, a distance of 92.42 feet to the West line of said Section 18;
THENCE North $00^{\circ}09'13''$ East along said West line, a distance of 15.00 feet;
THENCE South $89^{\circ}50'47''$ East, a distance of 45.67 feet to the Northerly right-of-way line of the I-17 Freeway;
THENCE South $32^{\circ}08'01''$ East along said right-of-way line, a distance of 26.32 feet;
THENCE North $88^{\circ}06'57''$ East along said right-of-way line, a distance of 276.14 feet to the beginning of a non-tangent curve concave to the North;

THENCE from a local tangent bearing of North 89°38'24" East, leaving said right-of-way line Easterly along the arc of said curve, to the left, having a radius of 14,985.00 feet and a central angle of 03°00'24" for an arc distance of 786.37 feet;
THENCE North 86°38'00" East, a distance of 11.05 feet to the Northerly right-of-way line of the I-17 Freeway;
THENCE North 88°06'57" East along said right-of-way line, a distance of 51.10 feet;
THENCE North 84°56'46" East along said right-of-way line, a distance of 44.91 feet;
THENCE leaving said right-of-way line North 86°38'00" East, a distance of 124.18 feet;
THENCE South 13°35'05" East, a distance of 249.37 feet to the Southerly right-of-way line of the I-17 Freeway;
THENCE South 84°56'22" West along said right-of-way line, a distance of 30.34 feet to the POINT OF BEGINNING.

Containing 68,034 sq. ft. or 1.56 acres, more or less.



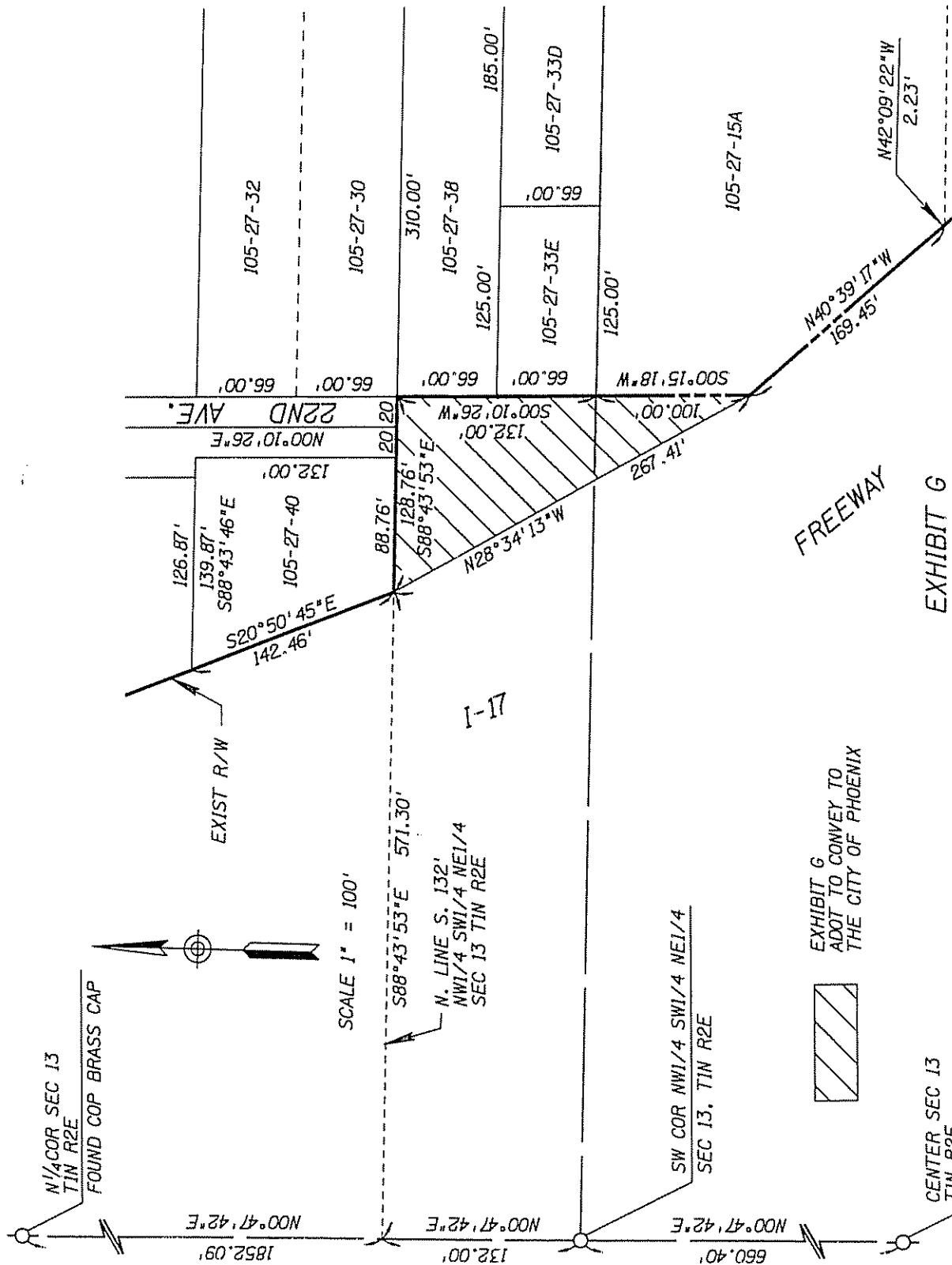


EXHIBIT G
ADOT TO CONVEY
TO THE CITY OF PHOENIX

EXHIBIT G
ADOT TO CONVEY TO
THE CITY OF PHOENIX

CALCULATED FROM DATA SHOWN
ON ADOT R/W PROJ. 1-17-1-716

LEGAL DESCRIPTION

EXHIBIT G

ADOT TO CONVEY TO THE CITY OF PHOENIX

That part of the Northwest quarter of the Southwest quarter of the Northeast quarter (NW1/4 SW1/4 NE1/4) of Section 13, Township 1 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Southwest corner of the Northwest quarter of the Southwest quarter of the Northeast quarter (NW1/4 SW1/4 NE1/4) of said Section 13;

THENCE North $00^{\circ}47'42''$ East along the West line of the Northeast quarter of said Section 13, a distance of 132.00 feet to the North line of the South 132 feet of the Northwest quarter of the Southwest quarter of the Northeast quarter of said Section 13;

THENCE South $88^{\circ}43'53''$ East along said North line, a distance of 571.30 feet to a point on the Easterly right-of-way line of the I-17 Freeway, said point being the Southwest corner of that parcel of land recorded in Docket 15054, Page 31, Records of Maricopa County, and the POINT OF BEGINNING;

THENCE continuing along said Easterly right-of-way line South $88^{\circ}43'53''$ East, a distance of 128.76 feet to the Southwest corner of that parcel of land recorded in Document No. 92-0671050, Records of Maricopa County ;

THENCE continuing along said Easterly right-of-way line South $00^{\circ}10'26''$ West, a distance of 132.00 feet;

THENCE continuing along said Easterly right-of-way line South $00^{\circ}15'18''$ West, a distance of 100.00 feet;

THENCE leaving said Easterly right-of-way line North $28^{\circ}34'13''$ West, a distance of 267.41 feet to the POINT OF BEGINNING.

Containing 14,943 sq. ft. or .034 acres, more or less.

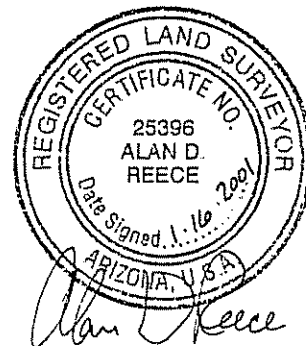
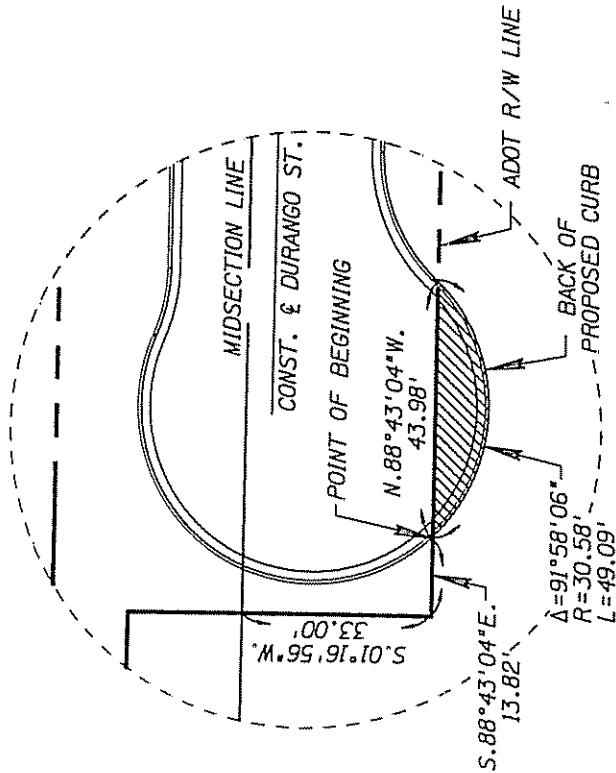


EXHIBIT H & I ADOT TO CONVEY TO THE CITY OF PHOENIX

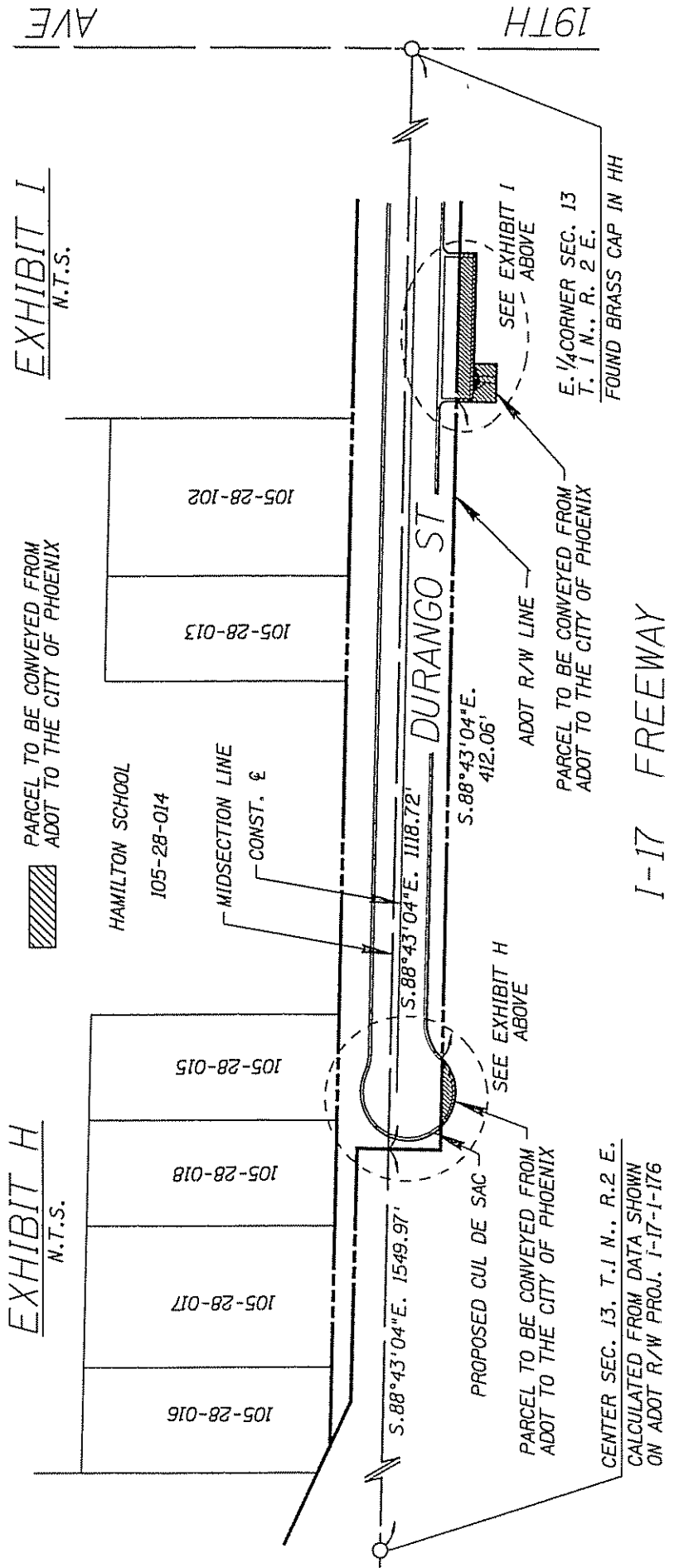


SCALE 1" = 100'

EXHIBIT H N.T.S.

PARCEL TO BE CONVEYED FROM
ADOT TO THE CITY OF PHOENIX

EXHIBIT I N.T.S.



I-17 FREEWAY

LEGAL DESCRIPTION
EXHIBIT H
ADOT TO CONVEY TO THE CITY OF PHOENIX

That part of the Southeast quarter of Section 13, Township 1 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Center of said Section 13;

THENCE South $88^{\circ}43'04''$ East along the East-West Midsection line of said Section 13, a distance of 1549.97 feet to a point on the Northerly right-of-way line of the I-17 Freeway;

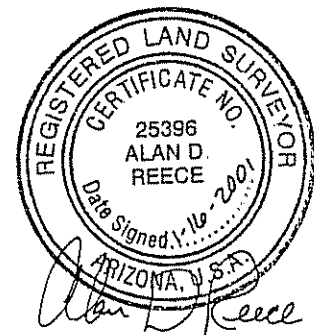
THENCE South $01^{\circ}16'56''$ West along said Northerly right-of-way line, a distance of 33.00 feet;

THENCE continuing along said Northerly right-of-way line South $88^{\circ}43'04''$ East, a distance of 13.82 feet to a point of intersection with the back of curb of a proposed cul de sac on West Durango Street, and the POINT OF BEGINNING;

THENCE from a local tangent bearing of South $42^{\circ}44'01''$ East, Easterly along said back of curb, along the arc of a curve concave Northerly, having a radius of 30.58 feet and a central angle of $91^{\circ}58'06''$ for an arc distance of 49.09 feet to a point of intersection with the Northerly right-of-way line of the I-17 Freeway;

THENCE North $88^{\circ}43'04''$ West along said right-of-way line, a distance of 43.98 feet to the POINT OF BEGINNING;

Containing 283 sq. ft. or 0.01 acres, more or less.



LEGAL DESCRIPTION

EXHIBIT I

ADOT TO CONVEY TO THE CITY OF PHOENIX

That part of the Southeast quarter of Section 13, Township 1 North, Range 2 East of the Gila and Salt River Meridian, Maricopa County, Arizona, described as follows:

COMMENCING at the Center of said Section 13;

THENCE South $88^{\circ}43'04''$ East along the East-West Midsection line of said Section 13, a distance of 1549.97 feet to a point on the Northerly right-of-way line of the I-17 Freeway;

THENCE South $01^{\circ}16'56''$ West along said Northerly right-of-way line, a distance of 33.00 feet;

THENCE continuing along said Northerly right-of-way line South $88^{\circ}43'04''$ East, a distance of 469.86 feet to a point of intersection with the back of curb of a proposed parking area on West Durango Street, and the POINT OF BEGINNING;

THENCE South $01^{\circ}16'56''$ West along said back of curb, a distance of 24.67 feet;

THENCE South $88^{\circ}43'04''$ East along said back of curb, a distance of 24.00 feet;

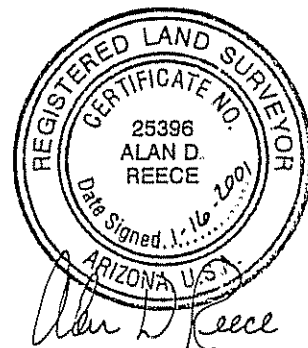
THENCE North $01^{\circ}16'56''$ East, a distance of 14.00 feet;

THENCE South $88^{\circ}43'04''$ East, a distance of 69.16 feet;

THENCE North $01^{\circ}16'56''$ East, a distance of 10.67 feet to the Northerly right-of-way line of the I-17 Freeway;

THENCE North $88^{\circ}43'04''$ West along said right-of-way line, a distance of 93.16 feet to the POINT OF BEGINNING;

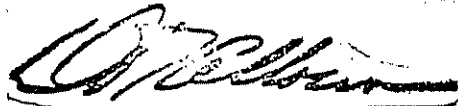
Containing 1330 sq. ft. or 0.03 acres, more or less.



RESOLUTION

BE IT RESOLVED on this 18th day of May 2000, that I, the undersigned MARY E. PETERS, as Director of the ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the STATE OF ARIZONA that the DEPARTMENT OF TRANSPORTATION, acting by and through the INTERMODAL TRANSPORTATION DIVISION, to enter into an agreement with the CITY OF PHOENIX, for the purpose of providing the City with one or more permits to construct, operate and maintain new sewer lines through portions of the State's property, including the frontage roads north and south of Interstate 17 (I-17), to improve the gravity wastewater collection system northeast of their 23rd Avenue Wastewater Treatment Plant.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.

A handwritten signature in black ink, appearing to read 'D. Allocco', is written over a horizontal line.

DAVID R. ALLOCCO, P.E.
Assistant State Engineer
Engineering Technical Group

for MARY E. PETERS, Director

JPA 00-70

APPROVAL OF THE CITY OF PHOENIX ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this _____ day of _____, 2001.

ACTING

William D. Back
City Attorney *9/11/01*



STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

JANET NAPOLITANO
ATTORNEY GENERAL

1275 WEST WASHINGTON, PHOENIX, AZ. 85007-2926

TRN Main: (602) 542-1680

Direct: (602) 542-8837

Fax: (602) 542-3646

MAIN PHONE: (602) 542-5025

FACSIMILE: (602) 542-4085


INTERGOVERNMENTAL AGREEMENT
DETERMINATION

A.G. Contract No. KR01-0134TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED August 20, 2001.

JANET NAPOLITANO
Attorney General


JAMES R. REDPATH
Assistant Attorney General
Transportation Section

JRR:et/699361

Enc.